

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSENFELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN
DEBRA L. GREENBERGER
ELORA MUKHERJEE

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
TELECOPIER
(212) 763-5001
WEB ADDRESS
www.ecbalaw.com

By U.S. Mail

Hon. William H. Pauley
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2210
New York, NY 10007

Re: *Devoreaux v. Schlesinger Associates, Inc.*
08 Civ. 0074 (WP)

Your Honor:

We represent Judah Devoreaux, the plaintiff, in the above-referenced matter and submit this letter, pursuant to Fed. R. Civ. P. 26(f), on behalf of all parties regarding our recent discovery conference in anticipation of the initial pretrial conference scheduled April 18, 2008.

As set forth in the enclosed complaint, Ms. Devoreaux brings this case against Schlesinger Associates, Inc. based on her allegations that Schlesinger retaliated against her for her complaints that she was subjected to racially demeaning remarks and a racist slur while an employee. The New York state claims based on these allegations were the subject of a two-day hearing before Administrative Law Judge Protano of the New York State Division of Human Rights on January 9 and 10, 2008. The parties have submitted proposed findings of fact and law and are awaiting Judge Protano's decision with respect to the state claims. To the extent that this action seeks relief for Title VII damages that are co-extensive with the state claims, Judge Protano's decision will be significant. Ms. Devoreaux's federal claims are more extensive, of course, than her state claims, because she seeks punitive damages and attorneys' fees, which are only available here. *See, e.g., New York Gaslight Club, Inc. v. Carey*, 447 U.S. 54, 71 (1980) ("Title VII authorize[s] a federal-court action to recover an award of attorney's fees for work done by the prevailing complainant in state proceedings to which the complainant was referred pursuant to the provisions of Title VII.").

In light of the significant impact of Judge Protano's findings on this case, the parties have agreed to stay the commencement of federal discovery until the issuance of those

Application to stay this action pending a decision from the NYC Division of Human Rights is denied. The parties are directed to submit a discovery plan in accord with this Court's initial pre-trial order. The conference scheduled for April 18, 2008 shall be ORDERED: proceed as planned.

February 29, 2008

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WILLIAM H. PAULEY III U.S.D.J.
3/5/2008

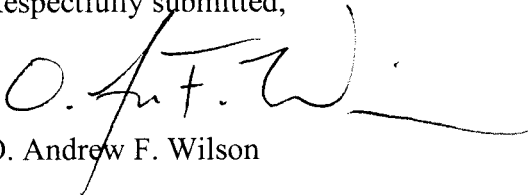
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findings. From the date of Judge Protano's decision, the parties agree to the following schedule:

<u>Event</u>	<u>Time from SDHR Decision</u>
Exchange of 26(a)(1) Disclosures	2 weeks
Close of Fact Discovery	3 months
Dispositive Motions	4 months
Close of Expert Discovery	5 months

Discovery in this matter will focus on the punitive damages and any other matters not sufficiently addressed by the State Division. At this time, the parties do not anticipate any particular issues with regard to privilege. The parties agree to the limitations of discovery provided for by the Federal Rules.

Respectfully submitted,



O. Andrew F. Wilson

Enclosure

c. Kathryn V. Hatfield, Esq.